

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
vs.)	CASE NO:06-20185
)	HON. VICTORIA A. ROBERTS
D-1 ROY WEST)	
Defendant.)	

**MOTION TO SUPPRESS TITLE III WIRETAPS OR, IN THE
ALTERNATIVE, FOR AN EVIDENTIARY HEARING**

Now comes the defendant, Roy West, through his attorneys, Byron H. Pitts and Keith Spielfogel, and pursuant to Title 18 U.S.C. Sections 2515 and 2518 (10)(a) respectfully requests this honorable court to enter an order suppressing from introduction into evidence all wiretap evidence obtained pursuant to a wiretap order entered on October 27, 2005, and pursuant to extension orders entered on November 29, 2005, December 29, 2005 and January 27, 2006. In the alternative, defendant Roy West requests the court to schedule a hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978).

As is set forth in the accompanying memorandum suppression is warranted for the following reasons: the communications were unlawfully intercepted under 2518 (10)(a)(i) in that :(1) the October 27, 2005, wiretap application fails to meet the necessity requirements set forth in 18 U.S.C. 2518(1)(c) and 3(c); (2) all extensions of the October 27, 2005, wiretap are the result of the original illegal wiretap; (3) the government failed to reasonably minimize the intrusion into conversations in violation of the wiretap orders and 18 U.S.C. 2518 (5); and the government failed to immediately seal the recordings obtained pursuant to the October 27, 2005, order.

The following exhibits are provided to the court as they will be cited extensively throughout the memorandum:

- a. The wiretap application and order of October 7, 2005, for phone number (303) 573-4870;
- b. The wiretap application and order of October 27, 2005, for phone number (330) 752-5529. Also, the First and Second Progress Reports and the Sealing Order for the October 27, 2005 Order.

Respectfully submitted,

s/Keith Spielfogel (IL 2689537)

s/Byron H. Pitts (P59079)

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